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DOH 17-09

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF SUSPENSION

Licensee.

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Licensee, having been served with the Order for Summary Suspension and Notice of Hearing and Affidavit of Francie Miller by sheriff on July 29, 2017, did not appear in person to present evidence on her behalf or to confront witnesses. The Board appeared by and through its attorney, Kristine K. O'Connell. Administrative Law Judge Catherine Duenwald presided over the proceeding.

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### **FINDINGS OF FACT**

1. That Katelynn Larson is licensed to practice as a practical nurse in the State of South Dakota and holds license number P012197.
2. That on or about December 27, 2016, the Board received a complaint from the Licensee's employer, a long term care facility, regarding alleged diversion of hydrocodone.
3. The Board also received additional information from the employer who reported that two bubble packs of hydrocodone had gone missing from a medication cart of which the Licensee was responsible.
4. The Licensee denied diversion to law enforcement, but did admit to having medications for anxiety and depression and had health issues that were currently being addressed.
5. The PDMP report obtained in the investigation showed the Licensee had over 87 prescriptions of hydrocodone and other controlled substances from 27 providers which were filled at 8 different pharmacies. The dates ranged from January 1, 2016, through August 8, 2017.
6. Licensee indicated that she had an appointment with the Health Professionals Assistance Program ("HPAP") the week of February 6, 2017.
7. Licensee signed a Participation Agreement with HPAP on April 5, 2017.
8. On June 9, 2017, the Licensee was issued a letter from HPAP giving her formal notice that she had been discharged from HPAP for failure to cooperate with the individualized Participation Agreement.

9. On June 1, 2017, the Board was notified by law enforcement that the Licensee had been indicted by a Pennington Grand Jury for felony charges related to obtaining controlled substances by theft.

10. Licensee has been charged with a class 4 felony (misrepresentation to obtain controlled substance). Her criminal proceedings are underway.

From the foregoing findings of fact, the Board draws the following:

#### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49

2. That the Licensee's conduct as identified in the findings of fact are in violation of SDCL §§ 36-9-49 (4), (7), and (10).

THEREFORE, let an order be entered accordingly.

#### **ORDER**

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

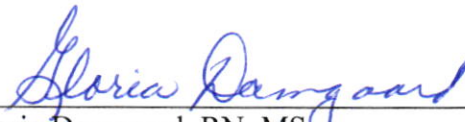
1. That the Licensee's license to practice nursing in the State of South Dakota is hereby indefinitely suspended.

2. That the Licensee is hereby notified that any practice of or holding herself out as a practical nurse during the term of this suspension is in violation of SDCL § 36-9-68.

4. That Licensee may petition for reinstatement of her license at any time for "good cause" pursuant to SDCL § 36-9-57.

Dated this 1<sup>st</sup> day of November, 2017.

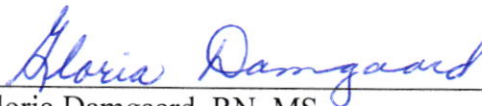
SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director

The South Dakota Board of Nursing, at the hearing on the 23<sup>rd</sup> day of October, 2017, approved this Order of Suspension as written by a vote of 7-0, and issues its Order of Suspension consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of the South Dakota Board of Nursing on this 1<sup>st</sup> day of November, 2017.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director